

REMARKS

Applicants filed an Amendment on February 16, 2010 to respond to the December 15, 2009 Office Action. According to the February 24, 2010 Advisory Action, that Amendment was not entered because it raised new issues. Accordingly, Applicants are filing herewith an RCE to obtain entry of that Amendment. Applicants submit that the application is now in allowable form as a result of the filing of the February 16, 2010 Amendment. Applicants are filing this Preliminary Amendment to add additional claims.

Status of the Claims

Claims 5-12, and 20-76 are pending, with Claims 5, 21, 22, 24, 26, 30, 38, 40-42, 44-47, 59, 67, 68, and 70-73 being independent. Claims 21-73 are withdrawn from further consideration. Claims 75 and 76 have been added.

Formal Claim Rejections

Claims 5-12, 20 and 74 were rejected under 35 U.S.C. § 112, first and second paragraphs, because Claim 5 allegedly does not comply with the enablement requirement and is incomplete for omitting essential structural cooperative relationships of elements. In response, while not conceding the propriety of the rejections, Claim 5 was amended in the February 16, 2010 Amendment to address the points raised in the Office Action. Applicants submit that as amended in the February 16, 2010 Amendment, Claim 5 even more clearly satisfies 35 U.S.C. § 112, first and second paragraphs.

Substantive Rejections

Claims 5, 8, 10, 20 and 74 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0162523 (Darrell et al.). Claims 5, 7-9, 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2001/0032070 (Teicher). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Teicher in view of U.S. Patent Publication No. 2002/0180873 (Misawa).

In response, while not conceding the propriety of the rejections, independent Claim 5 has been amended in the February 16, 2010 Amendment to address the points raised in the Office Action. Applicants submit that as amended in that Amendment, Claim 5 is allowable for the reasons provided therein, which are repeated below for the Examiner's convenience.

Amended independent Claim 5 relates to a digital camera comprising a capturing unit that captures a subject image, a storing unit that stores the subject image captured by the capturing unit on a storage medium, and a retrieving unit that performs a retrieval operation of an image from the subject image stored on the storage medium. The capturing unit captures a generic image to be retrieved or a key image to be used as a retrieval key of the retrieval operation according to the operation of a shutter button. In the event the capturing unit captures a key image to be used as a retrieval key of the retrieval operation, the retrieving unit starts the retrieval operation using the key image.

Claim 5 was amended to recite that the capturing unit is capable of capturing an image during the retrieval operation and the retrieving unit does not initiate a new retrieval

operation using a new key image even though the capturing unit captures the new key image in response to pressing the shutter button during the retrieval operation.

By this arrangement, the heavy load on the camera that results from parallel processing of different retrieval operations can be avoided, as discussed at page 26, line 22 through page 29, line 23 of the specification.

In contrast, the citations to Darrell et al. and Teicher are not understood to avoid the heavy load on the camera that results from parallel processing of different retrieval operations. Therefore, these citations are not understood to disclose or suggest that the capturing unit is capable of capturing an image during the retrieval operation and the retrieving unit does not initiate a new retrieval operation using a new key image even though the capturing unit captures the new key image in response to pressing the shutter button during the retrieval operation, as recited by amended Claim 5. Rather, the Darrell et al. citation is understood to merely teach an image search for finding images being close to a captured image (an image searching process is started in step 114 after an image is captured in step 112), while the Teicher citation is understood to merely teach a camera with an OCR function, such that when a user of the camera selects a text region in an image, the camera starts the OCR function on the text region in response to pressing a translate key, and translates a detected character by the OCR function.

Since amended Claim 5 is understood to recite at least one feature not disclosed or suggested by the citations to Darrell et al. or Teicher, Applicants submit that the Office has not yet satisfied its burden of proof to establish the anticipation of amended Claim 5 over these citations. Therefore, Applicants respectfully request that the rejections of amended Claim 5 be withdrawn.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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